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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,424	06/09/2006	Matthew David Lutzke	60,159-243; 129	4857
26/096 7590 01/09/2009 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER				
BOCHNA, DAVID				
ART UNIT		PAPER NUMBER		
3679				
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01/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,424

Applicant(s)

LUTZKE ET AL.

Examiner

David E. Bochna

Art Unit

3679

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kargula.

In regard to claim 1, Kargula discloses a fluid handling combination assembly comprising:

a housing;

a collet retainer 64 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap 81 at one circumferential location and a groove 102 at another circumferential location, said collet retainer being provided with self-centering structure 50 for ensuring said collet retainer is generally centered about a central axis of said housing; and

a tube 24 held within said housing by having an upset portion 26 positioned inwardly of said collet retainer.

In regard to claim 2, wherein said collet retainer 64 self-centering structure includes a leg 38 extending axially inwardly, and received within a channel 50 to center said collet retainer.

In regard to claim 3, wherein a pilot 58 is positioned axially inwardly of said collet retainer, said pilot member including said channel 50 for receiving said leg 38, and centering said collet retainer 64.

In regard to claim 4, wherein said collet 64 has a ramped angled inwardly facing surface 72, said ramped surface coming into contact with a cam surface 58 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 5, wherein said cam surface 58 is on a pilot positioned inwardly of said collet retainer 64.

In regard to claim 6, Kargula discloses a fluid handling combination assembly comprising:

- a housing;

- a collet retainer 64 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap 81 at one circumferential location and a groove 102 at another circumferential location, said collet retainer 64 being provided with self-centering structure 58 for ensuring said collet retainer is generally centered about a central axis of said housing;

- a tube 24 held within said housing by having an upset portion 26 positioned inwardly of said collet retainer; and said collet has a ramped angled inwardly facing surface 72, said ramped inwardly facing surface coming into contact with a cam surface 58 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped inwardly facing angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 7, wherein said cam surface 58 is on a pilot 50 positioned inwardly of said collet retainer.

3. Claims 1, 4, 6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Laipply '368.

In regard to claim 1, Laipply discloses a fluid handling combination assembly comprising:

a housing 32;

a collet retainer 52 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap 60 at one circumferential location and a groove 62 at another circumferential location, said collet retainer being provided with self-centering structure (center bore that rides on tube 12) for ensuring said collet retainer is generally centered about a central axis of said housing; and

a tube 12 held within said housing by having an upset portion 48 positioned inwardly of said collet retainer.

In regard to claim 4, wherein said collet retainer 52 has a ramped angled inwardly facing surface 56, said ramped surface coming into contact with a cam surface 74 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 6, Kargula discloses a fluid handling combination assembly comprising:

a housing 32;

a collet retainer 52 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap 60 at one circumferential location and a groove 62 at another circumferential location, said collet retainer 52 being provided with self-centering structure (center bore that rides on tube 12) for ensuring said collet retainer is generally centered about a central axis of said housing;

a tube 12 held within said housing by having an upset portion 48 positioned inwardly of said collet retainer; and said collet has a ramped angled inwardly facing surface 56, said ramped inwardly facing surface coming into contact with a cam surface 74 when a tube is moved to bring said collet retainer axially into said housing, said cam surface causing said ramped inwardly facing angled surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer as a tube is moved into said housing.

In regard to claim 8, wherein said groove 62 is circumferentially located about 180 degrees along said toilet flange 11 said expansion gap 60.

In regard to claim 9, wherein said groove 62 is U-shaped.

In regard to claim 10, wherein said groove 62 extends partially radially into said collet retainer and said expansion gap 60 extends fully radially through said collet retainer.

4. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Guest '289.

In regard to claim 12, Guest '289 discloses a fluid handling combination assembly comprising:

a housing 17;

a collet retainer 26 received within said housing, said collet retainer extending generally circumferentially around a central axis, with an expansion gap at one circumferential location of

the collet retainer, said collet retainer being provided with a self-centering structure for ensuring said collet retainer is generally centered about a central axis of said housing; and said self-centering structure including a pilot member 30 having a channel 31 extending between a radially outer pilot wall and a radially inner pilot wall, and a leg 27 on said toilet retainer that extends axially inwardly for being received within said channel to center said collet retainer, said collet retainer including a ramped surface (bottom portion of 27) contacting that is transversely angled relative to the leg, said ramped surface coming into contact with the pilot member when a tube is moved to bring said collet retainer axially into said housing, said pilot member causing said ramped surface of said collet retainer to cam radially outwardly and assist radial expansion of said collet retainer.

In regard to claim 13, wherein said ramped surface is angled 45° relative to the central axis of the collet retainer.

In regard to claim 14, wherein said leg 27 is located between said channel 31 and said ramped surface (bottom portion of 27).

Allowable Subject Matter

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 7/10/08 have been fully considered but they are not persuasive. Applicant argues that Kargula does not disclose a groove at a circumferential

location in combination with an expansion gap. The Examiner disagrees. Kargula discloses an expansion gap 81 as well as a groove 102 at a circumferential location as seen in fig. 6.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679